



A “substantial showing of the denial of a constitutional right” requires a demonstration “that reasonable jurists could debate whether (or, for that matter, agree that) the petition should have been resolved in a different manner or that the issues presented were ‘adequate to deserve encouragement to proceed further.’” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000) (citing *Barefoot v. Estelle*, 463 U.S. 880, 893 n.4 (1983)).

For the reasons thoroughly discussed in the Court’s previously issued Memorandum and Order (Filing No. 90) denying the Defendant’s § 2255 motion, the Court concludes that the Defendant has not made a substantial showing of the denial of a constitutional right as required by 28 U.S.C. § 2253(c).

Because the Eighth Circuit reviews all denials of requests for certificates of appealability, the Defendant’s motion for leave to proceed in forma pauperis is denied as moot.

IT IS ORDERED:

1. The Defendant’s motion for certificate of appealability is denied;
2. The Defendant’s motion for leave to appeal in forma pauperis (Filing No. 93) is denied as moot;
3. The Clerk of Court shall provide a copy of this Order to the Eighth Circuit Court of Appeals; and
4. A copy of this Order shall be mailed to the defendant at his last known address.

DATED this 15<sup>th</sup> day of November, 2007.

BY THE COURT:

s/Laurie Smith Camp  
United States District Judge